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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MO9-1117

- - - - -X

UNITED STATES OF AMERICA

PRE-ARRAIGNMENT
C O M P L A I N T
(21 U.S.C. §§ 952(a)
and 960)

- against -

ALFRED G. DIAZ,

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

PAUL NUGENT, being duly sworn, deposes and states that he is a Special Agent with United States Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

Upon information and belief, on or about November 11, 2009, within the Eastern District of New York and elsewhere, defendant ALFRED G. DIAZ did knowingly, intentionally and unlawfully import into the United States from a place outside thereof cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. At approximately 11:00 p.m. on November 11, 2009, defendant ALFRED G. DIAZ arrived at John F. Kennedy International Airport in Queens, New York, aboard Jet Blue Airlines Flight No. 828 from Santo Domingo, Dominican Republic.

2. During an examination, a Customs and Border Protection Officer ("CBP") noticed that defendant appeared very nervous. Upon routine questioning, the defendant gave inconsistent statements concerning his travel arrangements.

3. The CBP officer referred the defendant for additional screening, conducted in a private area in the airport. During that additional screening, the CBP officer received permission from a supervisor to pat down defendant. The CBP officer then patted down the defendant and felt something unusual in defendant's groin area. The CBP officer received permission from a supervisor to conduct a partial strip search.


4. The partial strip search revealed that defendant was wearing three pairs of underwear and that between the underwear was a package containing a white, powdery substance. The packages were probed and the substance was field-tested, and the field-test result was positive for the presence of cocaine. The gross weight of the substance recovered from the defendant's body is approximately 1,055 grams.

5. Defendant was then placed under arrest. At this time, the defendant admitted that he swallowed foreign objects, specially forty pellets. Further, he also admitted that he knew the package he was carrying contained cocaine, and he was suppose to be paid \$12,000 - \$13,000 for his services.

6. The defendant was transported to the medical facility at John F. Kennedy International Airport, where an x-ray was taken of defendant's intestinal tract, which was positive for foreign bodies. As of November ^{12th} ~~11~~, 2009 at approximately 10:43 a.m., the defendant had not passed any of the pellets.

7. The defendant will be detained at the JFK medical facility until such time as he has passed all the pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully requests that
defendant ALFRED G. DIAZ be dealt with according to law.



PAUL NUGENT
Special Agent
Immigration and Customs
Enforcement

Sworn to before me this
12th day of November, 2009



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